

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHIEF AUTOMOTIVE SYSTEMS,)	4:97CV3017
INC.,)	
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
JOHN ASTERINO d/b/a)	
N.E. HOLDING CORP., a/k/a JOHN)	
ASTERINO d/b/a NE BANKCO)	
HOLDING CORP.,)	
)	
Defendants.)	

This matter is before the court upon its own motion. By June 27, 2007 order of this court, the defendant was found to be in contempt of the 1997 consent decree. (Filing 31.) The defendant was ordered to submit an affidavit of accounting for his profits and the plaintiff was ordered to submit evidence of its attorneys' fees and costs in connection with the motion for order to show cause why the defendant should not be held in contempt. The defendant did not submit the required affidavit. The plaintiff timely submitted its evidence (filing 32), and the defendant failed to timely object to the attorneys' fees and court costs claimed by plaintiff.

It is time for entry of judgment on the finding of contempt. The court has not been advised whether the plaintiff seeks another, more specific injunction or asserts that damages, in addition to the claimed attorneys' fee and court costs, should be awarded. I will direct the plaintiff to submit a proposed judgment, supported by briefs and affidavits.

For the foregoing reasons,

IT IS ORDERED THAT:

1. The defendant has failed to timely object to the attorneys' fee and court costs claimed by the plaintiff and has no further opportunity to object to such fee and costs;
2. On or before October 11, 2007, the plaintiff shall file a motion for entry of judgment, together with a proposed judgment, brief supporting the relief to be granted in the judgment, and affidavits if necessary to support the relief sought in the judgment;
3. On or before October 26, 2007, the defendant shall file a brief in response to motion for entry of judgment and the proposed judgment;
4. On or before November 6, 2007, the plaintiff shall file a reply to the defendant's brief or advise my chambers that it does not intend to file a reply brief; and
5. Judgment will be entered, without further notice, upon completion of the briefing schedule set forth above.

September 26, 2007

BY THE COURT:

s/Richard G. Kopf
United States District Judge